

C. APPLICANT'S COMMENTS

Claims 1-3, 5-11, 13-20 are pending in this Application with Claims 4, 12 canceled, with Claims 1, 11 being amended and Claims 21, 22 being added to further clarify the invention. No new matter is added by way of these amendments, and the amendments are supported throughout the Specification and the drawings. Reconsideration of Claims 1-3, 5-11, 13-20 and favorable consideration of Claims 21, 22 is respectfully requested.

The Examiner's rejections will be considered in the order of their occurrence in the Official Action.

Paragraphs 1-3 of the Official Action

The Official Action rejected as-filed Claims 1, 3, 5, 6, 11, 13, 15 and 16 under 35 U.S.C. §102(b) as being anticipated by "Admitted Prior Art". The Official Action also rejected as-filed Claims 1, 2, 5, 6, 11, 15 and 16 under 35 U.S.C. §102(b) as being anticipated by Leonard (U.S. Patent No. 5,526,637). The Applicant respectfully disagrees with this rejection particularly in view of the amendments made to the claims.

It is important to first briefly discuss 35 U.S.C. §102 and its application to the present application. Under section 102(b), anticipation requires that the prior art reference disclose, either expressly or under the principles of inherency, every limitation of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Under 35 U.S.C. §102, anticipation requires that **each and every element** of the claimed invention be disclosed in the prior art. In addition, the prior art reference must be enabling, thus placing the allegedly disclosed matter in the possession of the public. *Akzo N.V. v. United States Int'l Trade Comm'n*, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987) (emphasis added). Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

The Applicant respectfully submits that the "Admitted Prior Art" and Leonard do not qualify as appropriate prior art under 35 U.S.C. §102(b) as they do not disclose (expressly or inherently) all of the elements of independent Claims 1, 11 as amended.

Paragraph 4 of the Official Action

Claim 1 has been amended to include the limitations of Claim 4. Claim 11 has been amended to include the limitations of Claim 12. Added Claim 21 includes the limitations of as-filed Claims 11, 14.

D. CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited. Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that a personal discussion might be

helpful in advancing this case to allowance, they are invited to telephone the undersigned.

Respectfully submitted,



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